

## UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Franyely Morales

Date of Original Judgment: 09/13/2022

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: 5:21-cr-51-KDB-DCK-1USM No: 57591-509

Jennifer Leigh Coulter

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,


**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 70 months **is reduced to** 57 months.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 09/13/2022 shall remain in effect.**IT IS SO ORDERED.**

Signed: February 1, 2024

  
 Kenneth D. Bell  
 United States District Judge

 Effective Date: February 1, 2024  
 (if different from order date)

Kenneth D. Bell  
 Printed name and title

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

DEFENDANT: Franyely MoralesCASE NUMBER: 5:21-cr-51-KDB-DCK-1DISTRICT: Western District of North Carolina**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**Previous Total Offense Level: 27Amended Total Offense Level: 25Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 70 to 87 monthsAmended Guideline Range: 57 to 71 months**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (See *Chavez-Meza v. United States*, 138 S.Ct. 1959 (2018))**

Under the amendment to U.S.S.G. §4C1.1 in Amendment 821, the Defendant does qualify as a zero-point offender who qualifies to receive a two-level reduction in his offense level to an offense level of 25. With an offense level of 25 and a criminal history category of I, the amended guideline range is 57-71 months imprisonment. As the Court imposed the low-end of the sentencing range at sentencing, the Court will apply the low-end of the amended sentencing range here. Additionally, Defendant has not incurred any disciplinary infractions while in BOP. There is no need to appoint counsel in this matter.